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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,404

09/11/2003

Robert Silva

IGT1P060X2/P-568-CIP2

6650

22434 7590 09/28/2007
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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,404	Applicant(s) SILVA ET AL.	
	Examiner Frank M. Leiva	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 1-16, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/12/2004; 2/11/2004; 3/03/2004; 12/13/2004; 05/04/2005; 1/10/2006; 10/31/2006; 4/10/2007..

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-16 and 41-42, in the reply filed on 26 July 2007 is acknowledged.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 15, 16 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Cole et al (US 2004/0137978 A1), herein after Cole.**

4. **Regarding claim 1;** Cole discloses a gaming machine housing; a master gaming controller adapted for executing a game of chance played on the gaming machine and communicating wirelessly with one or more peripheral devices used to play the game of chance, wherein the one or more peripheral devices are mounted within the gaming machine housing; and a wireless communication manager executed by the master gaming controller adapted for managing wireless communications between (i) the master gaming controller and the peripheral devices, (ii) the peripheral devices, (fig. 1 & ¶[0119-0120]).

5. **Regarding claim 2;** Cole discloses wherein the wireless communication manager is adapted to configure a peripheral controller associated with one of the one or more peripheral devices to communicate wirelessly with the master gaming controller, another peripheral device, or both the master gaming controller and the other peripheral device, (¶[0119-0120]).

6. **Regarding claim 15;** Cole discloses wherein wireless communications between the master gaming controller and peripheral devices and between peripheral devices are

confined within the gaming machine housing, (fig. 1), all peripherals are within the same housing.

7. **Regarding claim 16;** Cole discloses wherein wireless communications within the gaming machine are transmitted with a limited strength, range, or a combination thereof, in order to reduce cross-communication with devices external to the gaming machine, (¶[0100]), the use of infrared communication is introduced in Cole's disclosure which inherently comes with a short range.

8. **Regarding claim 42;** Cole discloses wherein the one or more peripheral devices include a player-tracking unit, (¶[0030]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 3-14 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole as applied above and in view of Lazzarotto et al. (US 6,782,194), herein after Lazzarotto.**

11. **Regarding Lazzarotto,** his invention discloses in detail the intricacies of wireless peripheral communications that are not disclosed in Cole's due to the well known methods available. Lazzarotto is used to show that these methods are out there and simple variations of the disclosed invention are of predictable results.

12. **Regarding claim 3;** Lazzarotto discloses, wherein the wireless communication manager is adapted to configure the peripheral controller by assigning a communication identification key to the peripheral device associated with the peripheral controller, (fig. 1), where it shows that the invention is capable to communicate with several devices and

would therefore be inherent that each device would have its own identifier since they are all using the same antenna receiving stations on a single port.

13. **Regarding claim 4;** Lazzarotto discloses wherein assigning a communication identification key includes assigning a global unique identifier to the peripheral device, wherein the global unique identifier is used to wirelessly communicate to and from the peripheral device, (fig. 1), as stated with claim 3 rejection in order to communicate to the unit the identifier must be unique to the device otherwise the communications get confuse.

14. **Regarding claim 5;** Lazzarotto discloses wherein assigning a communication identification key includes assigning a frequency range to the peripheral device, wherein the frequency range is used to wirelessly communicate to and from the peripheral device, (5:19-33).

15. **Regarding claim 6;** Lazzarotto discloses wherein assigning a communication identification key includes providing a frequency hopping algorithm to the peripheral device, wherein the frequency hopping algorithm temporally assigns different frequency ranges within which to communicate to and from the peripheral device, (5:19-33), Delay modulation encoding algorithm is a frequency changing (or hopping) algorithm.

16. **Regarding claim 7;** Lazzarotto discloses wherein assigning a communication identification key includes assigning a formatting protocol to the peripheral device, wherein different formatting protocols are assigned to different devices within the gaming machine, and wherein the formatting protocol allows the peripheral device to filter out wireless communications intended for other devices, (2:56-67).

17. **Regarding claim 8;** Lazzarotto discloses wherein assigning a communication identification key includes providing a spread spectrum to the peripheral device, wherein the spread spectrum provides information allowing the peripheral device to reassemble packets received from the master gaming controller or another peripheral device, packetize communications to send to the master gaming controller or another peripheral device, or combinations thereof, (3:13-15).

18. **Regarding claim 9;** Lazzarotto discloses an internal network manager adapted for managing an internal wireless network implemented in the gaming machine, (2:56-67), the

host being a USB driver or manager programmed to direct multiple communications from peripherals.

19. **Regarding claim 10;** Lazzarotto discloses wherein managing the internal wireless network includes counting a number of packets lost to determine a reliability rate, (6:44-54), checking for errors before formatting the signal is disclosed, it is inherent to test the capability of the system and rate of readability during development and design only, a final product does not require a design value such as capability rate, all designs are made to be capable, yet Lazzarotto does disclose testing for errors in receiving the packets.

20. **Regarding claim 11;** Lazzarotto discloses wherein the number of packets lost includes packets for which no acknowledgement was received, packets that were corrupted, or a combination thereof, (6:44-54), as mentioned above in claim 10, Lazzarotto looks for the corrupted communications.

21. **Regarding claim 12;** Lazzarotto discloses wherein managing further includes adjusting the internal wireless network if the reliability rate exceeds a desired level, self adjusting optimization algorithms for (DSP) Digital Signal Processing are well known in the art.

22. **Regarding claim 13;** Lazzarotto discloses wherein managing the internal wireless network includes monitoring different frequency channels, (8:1-5).

23. **Regarding claim 14;** Lazzarotto discloses wherein at least one of the one or more peripheral devices includes a programmable interface, wherein the programmable interface allows interchangeability of the peripheral device within the gaming machine, (2:11-31).

24. **Regarding claim 41;** Lazzarotto discloses wherein the master gaming controller and the one or more peripheral devices communicate using a wireless communication protocol selected from the group consisting of Bluetooth, IEEE 802.1 la, IEEE 802.1 lb, IEEE 802.1 lx, hiperlan/2, and HomeRF, (12:16-26).

25. **Regarding claims 3-14 and 41;** It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lazzarotto into the invention of Cole when designing the wireless interface already disclosed. The

incorporation of well known wireless methods is obvious and would yield predictable results.

Citation of Prior Art

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kashani (US 7,032,115 B2), self-adjusting, self-optimizing DSP. Morley et al. (US 6,908,324 B10, wireless USB interface. Brosnan (US 6,769,982 B1), multiple wireless controllers. Benbrahim (US 2002/0187828 A1), casino gaming machine with wireless communication. Finn (US 2002/0052239 A1), wireless communication features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

09/26/2007


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